

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

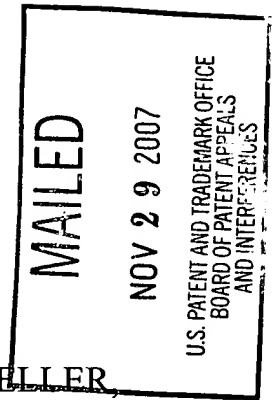
Ex parte THOMAS J. REDDIN, GLENDA M. BEHRLE, ROBERT J. GFELLER,
LARUEL M. KIMBROUGH, RODNEY D. TABERT, THOMAS C.
MCTHENIA, JR., and DANIEL J. WARREN

Application 09/296,120
Technology Center 3600

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 16, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, this application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

The Examiner issued an Examiner's Answer, which mailed on March 14, 2007. As an attachment, the Examiner submitted Kotler, *Marketing Management, Analysis, Planning, Implementation and Control* 183-84 and 291. It is not clear if this reference constitutes new evidence not previously submitted. There is no mention of this reference in the Examiner's Answer. For the record, the Examiner needs to clarify his position for including this reference into the record by submitting a corrected Examiner's Answer.



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Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- (1) To clarify for the written record the purpose of submitting the Kotler reference into the prosecution history; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Patrick J. Nolan*
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